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Edward Seeman

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09/18/2006

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EXAMINER

BOTTS, MICHAEL K

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/828,517

Applicant(s)

SEEMAN ET AL.

Examiner

Michael K. Botts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08).<br>Paper No(s)/Mail Date <u>7/2/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This document is the First Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on April 19, 2004.
2. Claims 1-43 have been examined, with claims 1, 15, 20, 28, 37, 42, and 43 being the independent claims.
3. Claims 1-43 are rejected.

### ***Information Disclosure Statement***

4. A signed and dated copy of applicant's IDS, which was filed on July 2, 2004, is attached to this Office Action.

### ***The Specification***

5. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification, where applicable. The status of all citations of U.S. filed applications in the specification should also be updated where appropriate.
6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claims Rejection – 35 U.S.C. 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno (U.S. Patent 4,667,248, issued May 19, 1987) [hereinafter “Kanno”], in view of Dwyer, et al. (U.S. Patent 5,706,457, issued January 6, 1998) [hereinafter “Dwyer”], and further in view of Baron, et al. (U.S. Patent Application Publication 2003/0084406 A1, filed October 16, 2002 and published May 1, 2003) [hereinafter “Baron”].**

Regarding **independent claim 1**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method for creating an electronic literary work on a computer system that includes a display, said computerized method comprising:*

*(a) providing an archive image set which includes a plurality of digital images;*

*(b) populating a first working area of an application program with selected digital images from the archive image set, thereby to generate a contact sheet*

*view comprising an imported image set;*

*(c) populating a second working area of the application program with selected digital images from the imported image set, thereby establishing a working image set;*

*(d) arranging the digital images which comprise said working image set into a selected storyboard sequence;*

*(e) associating respective image data with at least some of the digital images in said working image set, thereby to define pairs of companion image items; and*

*(f) displaying the pairs of companion image items on the display according to said storyboard sequence.*

(Kanno teaches a first display region for displaying a plurality of digital images which is populated by selected digital images from an archive set, or first memory area. See, Kanno, col. 2, lines 19-30. Kanno also teaches a second working area for displaying the "pasteboard image" which is the layout of the images from the first display area. See, Kanno, col. 2, lines 33-36. Kanno does not expressly teach a contact sheet view of an imported image set, a storyboard sequence, or creating and displaying companion image items according to the storyboard sequence.

Dwyer teaches a contact sheet view, which is also commonly referred to as thumbnail images in an album or file display. See, Dwyer, figure 2a, element 41. Dwyer does not expressly teach a storyboard sequence, or creating and displaying companion image items according to the storyboard sequence.

Baron teaches a story board sequence as a logical sequence. See, Baron, paragraph [0009]. Baron also teaches displaying companion image items according to the storyboard sequence. See, Baron, figures 2A and 2B, and paragraphs [0018]-[0022].

Kanno, Dwyer, and Baron are all combinable in that they all involve the art of image manipulation and output.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kanno, Dwyer, and Baron.

The suggestion or motivation for combining the teachings of the references is that Kanno teaches a first image area holding images to be worked, and a second image area for the working or final images. Dwyer teaches a method of displaying the images on the first image area, such that more than one image would be available at a time, which has the obvious benefit of allowing more images to be viewed in the Kanno working area at one time for greater ease and speed of image selection.

Correspondingly, Baron teaches a method of display of a work product which fits into the second work area of Kanno. Wherein Kanno teaches editing single pages, Baron teaches a method to logically extend the single page display to one of multiple pages, for the obvious benefit of additional publishing options for the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kanno, Dwyer, and Baron, to result in the invention specified in claim 1.)

Regarding **independent claim 15**:

Claim 15 incorporate substantially similar subject matter as claimed in claim 1 and, in view of the following, is rejected along the same rationale. Claim 15 adds the limitation of obtaining a plurality of digital images. See, Dwyer, figures 5 and 5a, and col. 6, line 51 through col. 7, line 54, teaching obtaining a plurality of digital images.)

Regarding **independent claims 20, 28, 37, 42, and 43**:

Claims 20, 28, 37, 42, and 43 incorporate substantially similar subject matter as claimed in claim 1 and are rejected along the same rationale.

Regarding **dependent claim 2**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby said archive image set is stored locally on the computer system.*

(See, Dwyer, col. 7, lines 10-12, teaching the archived images stored on the local computer.)

Regarding **dependent claims 16, 29, and 30**:

Claims 16, 29, and 30 incorporate substantially similar subject matter as claimed in claim 2 and are rejected along the same rationale.

Regarding **dependent claim 3**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby said archive image set is stored remotely on a remote computer system that is accessible through a suitable communications interface.*

(See, Dwyer, col. 1, lines 28-41, teaching receiving the archive images stored at a remote location through use of a modem.)

Regarding **dependent claims 17, 31, and 32**:

Claims 17, 31, and 32 incorporate substantially similar subject matter as claimed in claim 3 and are rejected along the same rationale.

Regarding **dependent claim 4**, Kannò in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby said first and second working areas are different child windows of the application program.*

(Kanno teaches first and second windows, but does not expressly teach that the working areas are different child windows of the application program. See, Kanno, figures 4A through 4L, and col. 2, lines 27-36.

Dwyer teaches the use of separate windows. See, Dwyer, figure 2a.

It would have been obvious to one of ordinary skill in the art at the time of the



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invention to have combined to teachings of Kanno and Dwyer to result in the different working areas being displayed in separate child windows of the application.

The suggestion or motivation for combining the teachings of the references is that the programming of the application for display as one window or two windows is an obvious alternative and equivalent programming choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Kanno and Dwyer to result in the invention specified in claim 4.)

**Regarding dependent claim 21:**

Claim 21 incorporates substantially similar subject matter as claimed in claim 4 and is rejected along the same rationale.

Regarding **dependent claim 5**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby those digital images which populate both said first working area and said second working area appear in a common ordered arrangement.*

(It is noted that the term "common ordered arrangement" is not found to be defined in the specification and is not commonly known in the art. Upon examination of the claims and specification, the Examiner believes the applicants intended the term to mean any ordinary ordered arrangement, such as by photo number, date, alphabetical, numerical,

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etc., and the term will be so read for the remainder of this Office Action.

See, Dwyer, figure 2a, element 41, teaching the common ordered arrangement of numerical order.)

Regarding **dependent claim 6**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby said working image set and said imported image set are the same.*

(It is noted that the working image set and the imported image set are the same upon use of all imported images in the working set. It would have been obvious to one of ordinary skill in the art at the time of the invention to have imported all of the imported image set to the working set for the obvious and beneficial purpose of working with a complete set of images.)

Regarding **dependent claim 7**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby the respective image data is selected from a first group of data types consisting of text-only data, non-text data, and a mixture of text-only data and non-text data.*

(See, Dwyer, figure 5a, teaching the image data comprising both text and images.)

Regarding **dependent claims 18, 22, 33, and 38**:

Claims 18, 22, 33, and 38 incorporate substantially similar subject matter as claimed in claim 7 and are rejected along the same rationale.

Regarding **dependent claim 8**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 7 whereby said non-text data is selected from a second group of data types consisting of graphic images, photographic images and a mixture of graphic images and photographic images.*

(See, Dwyer, col. 4, lines 60-62, teaching the data types of photographic images.)

Regarding **dependent claims 34 and 39**:

Claims 34 and 39 incorporate substantially similar subject matter as claimed in claim 8 and are rejected along the same rationale.

Regarding **dependent claim 9**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 8 whereby respective image data is associated with each of the digital images in said working image set.*

(See, Dwyer, col. 4, lines 60-62, teaching the data types of photographic images and the association of image data with the images, such as the date when a picture was

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taken along with the serial number of the camera used, which is appended to the thumbnail images.)

Regarding **dependent claim 23**:

Claim 23 incorporates substantially similar subject matter as claimed in claim 9 and is rejected along the same rationale.

Regarding **dependent claim 10**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby the pairs of companion image items are displayed as an electronic book.*

(See, Baron, paragraphs [0009] and [0018], teaching that the output of the final logical sequence of images as a booklet may be displayed on a screen or sent through a network, which is read as teaching the use of the invention for an electronic book.)

Regarding **dependent claims 24, 35, and 40**:

Claims 24, 35, and 40 incorporate substantially similar subject matter as claimed in claim 10 and are rejected along the same rationale.

Regarding **dependent claim 11**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby the archive image*

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*set and the imported image set are the same.*

(It is noted that the archive image set and the imported image set are the same when the user imports the entire archive set into the imported image set. It would have been obvious to one of ordinary skill in the art at the time of the invention to have imported the entire archive set for the obvious and beneficial purpose of having access to the entire set of documents to work with for the final document.)

Regarding **dependent claim 12**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 comprising generating a front cover and a back cover for the electronic literary work by utilizing at least one selected digital image from said archive image set.*

(See, Dwyer, paragraph [0020], teaching creation of a front page, and a last page for a booklet. It would have been obvious to one of ordinary skill in the art at the time of the invention to treat the first page of a booklet as a front cover page, with a title, etc., and to treat the last page as the back page as a back cover page, for the obvious and beneficial purpose of constructing a common and standard looking booklet.)

Regarding **dependent claim 25**:

Claim 25 incorporates substantially similar subject matter as claimed in claim 12 and is rejected along the same rationale.

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Regarding **dependent claim 13**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 whereby the respective image data associated with each of the digital images is text-only data.*

(See, Kanno, figures 7B through 7E, teaching that the image data may be text only, as in the image identified as "abcdef.")

Regarding **dependent claim 14**, Kanno in view of Dwyer and further in view of Baron teaches:

*A computerized method according to claim 1 comprising associating a page number to each item within each of the pairs of companion image items, thereby to generate a numerical page sequence which chronologically corresponds to the selected storyboard sequence.*

(See, Dwyer, paragraph [0010], teaching pagination of the companion image items corresponding to the storyboard sequence.)

Regarding **dependent claims 19, 26, and 41**:

Claims 19, 26, and 41 incorporate substantially similar subject matter as claimed in claim 14 and are rejected along the same rationale.

Regarding **dependent claim 27**, Kanno in view of Dwyer and further in view of Baron teaches:

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*A computer-readable medium having executable instructions according to claim 20 for printing selected ones of the pairs of companion items according to a selected print sequence.*

(See, Baron, paragraphs [0009] and [0018]-[0030], teaching executable instructions for printing the selected pairs of companion items according to a selected print sequence.)

Regarding **dependent claim 36**, Kanno in view of Dwyer and further in view of Baron teaches:

*A system according to claim 28 wherein each of said composition component, said storage component and said viewing component is at a distinct, remote location from one another, and including suitable communications interfaces for enabling data transmission therebetween.*

(The references do not expressly teach wherein each of the components is remote from the others. Baron teaches that the printing may be remote from the working area. See, Baron, paragraph [0018]. Dwyer teaches that the archive images may be imported from a remote location. See, Dwyer, col. 1, lines 28-41, teaching receiving the archive images stored at a remote location through use of a modem.

It would have been obvious to one of ordinary skill in the art at the time of the invention who had "suitable communications interfaces" and a need for the data to be stored at remote locations to have located the files remotely.

The suggestion or motivation for remote location of the files is taken from the above cited references from Baron and Dwyer teaching remote locations for some files,

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and for the obvious and beneficial purposes of efficient local memory usage or data sharing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have located the stored data in locations remote from each other, yet in communication with each other by adequate data transmission, as is specified in claim 36.)

8. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

### ***Conclusion***

9. The following prior art is made of record and not relied upon that is considered pertinent to applicants' disclosure:

Norris (U.S. Patent 6,147,768), teaching arranging photographic albums.

Jain, et al. (U.S. Patent 5,911,139), teaching contact view display of images.

Bottomly (U.S. Patent 5,900,002), teaching image working displays.

Norris (U.S. Patent 5,864,411), teaching image page organization.

Barber, et al. (U.S. Patent 5,751,286), teaching images and windows displays.

Nara, et al. (U.S. Patent Application Publication 2003/0056177 A1), teaching



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page organization.

Roberts, et al. (U.S. Patent Application Publication 2002/0143818 A1), teaching document creation methods.

Aizikowitz, et al. (U.S. Patent Application Publication 2001/0047369 A1), teaching document construction methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday through Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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